

ORDINANCE NO. 613 2ND SERIES

AN ORDINANCE OF THE CITY OF EAGAN, MINNESOTA, AMENDING EAGAN CITY CODE CHAPTER ELEVEN ENTITLED “LAND USE REGULATIONS (ZONING)” BY ADDING SECTION 11.70, SUBD. 33 REGARDING REGULATION OF ELECTRIC VEHICLE CHARGING STATIONS AND BY ADOPTING BY REFERENCE EAGAN CITY CODE CHAPTER 1 AND SECTION 11.99.

The City Council of the City of Eagan does ordain:

Section 1. Eagan City Code Chapter Eleven is here by amended by adding Section 11.70, Subd. 33, to read as follows:

Subd. 33. Electric Vehicle Charging Stations.

- A. Purpose. It is in the best interest of the City and its residents to encourage and facilitate use of electric vehicles, and expedite establishment of convenient, cost-effective electric vehicle infrastructure. The purpose of this Subdivision is to establish minimum requirements for electric vehicle charging stations and the infrastructure serving both short-term and long-term parking needs.
- B. Definitions. The following terms, as used in this Subdivision, shall have the meanings stated:

Charging levels mean the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Charging levels, generally identified as Level 1, Level 2, and Level3/DC, are the most common charging levels, defined by the following specifications:

1. *Level 1* is characterized as “slow” charging using 120v outlets.
2. *Level 2* is characterized as “medium” charging using more than 120v up to 240v outlets.
3. *Level 3/DC* is characterized as “fast” or “rapid” charging using voltage circuit greater than 240v.

Electric vehicle charging station (EVCS) means a charge point or electric supply equipment for the supply of electrical power for charging a vehicle that uses one or more electric motors for propulsion, including the parking space area for the vehicle immediately adjacent to or including the electric supply equipment.

Electric vehicle charging station – private use means an electric vehicle charging station that is privately owned and access is restricted to private use only and not for use by the public. As an example, private use is such as a station at a single-family home, designated employee parking, or assigned parking stall for a resident in a multi-family residential building.

Electric vehicle charging station – public use means an electric vehicle charging station that may be owned privately or publicly (governmental entity), access is not restricted, but open and available for use by the general public. As an example, public use is such as a station at a government owned Park & Ride facility, public library parking lot, on-street parking, shopping center parking, hotels and restaurant parking, traditional motor fuel stations or the like.

C. Permitted & Accessory Permitted Use.

1. Level 1 and Level 2 electric vehicle charging stations are permitted in all zoning districts within the City as a permitted accessory use in conjunction with off-street parking areas.
2. Level 3/DC electric vehicle charging station-public use is a permitted accessory use in conjunction with off-street parking areas on properties zoned for commercial, industrial, public facility, and institutional uses.
3. Level 3/DC electric vehicle charging station-private use is a permitted use in all zoning districts when used for private use only by the property owner or occupant and not available to the general public.
4. Level 3/DC electric vehicle charging station-public use may be a permitted use, as the primary use of the lot/parcel, provided it meets all the zoning performance requirements and standards applicable to a motor fuel sales station as set forth in this Chapter and is located within a zoning district that permits motor fuel sale stations.

D. Electric Vehicle Charging Station (EVCS)-Public Use General Provisions:

1. EVCS shall be located on the lot/parcel so as to be visible to the intended user for ease of identification and security purposes.
2. EVCS shall be located in convenient parking locations that will serve the use of electric vehicles.
3. EVCS shall be operational during normal business hours of the primary use(s) on the property that the EVCS serves and may be de-energized (i.e., electrical supply disconnected) during the non-business hours.
4. EVCS parking stalls may be designated with signage (i.e., ground painted or mounted sign) as approved by the City. EVCS designated stalls shall be counted to meet the minimum parking requirements for the primary use in accordance with the provisions of this Chapter.

E. Electric Vehicle Charging Station Performance Standards:

1. Electric vehicle charging station outlets and connector devices shall be mounted in compliance with applicable Minnesota State Building Codes requirements.
2. EVCS shall be located adjacent to designated parking stalls without encroaching into the required dimensions of the parking stall.
3. Electric vehicle charging stations, including all supply equipment and cabinets, shall not impede pedestrian travel or create safety hazards on sidewalks.
4. EVCS and supply equipment shall be protected by bollards, structures, or curb. EVCS pedestals shall be designed to minimize potential damage by vehicle impacts or vandalism. This provision does not apply to EVCS for private use at single-family and two-family zoned properties.
5. Dynamic displays on an electric vehicle charging station are allowed only on electric vehicle charging station-public use and are limited in size as allowed for on motor fuel sales fueling pumps regulated elsewhere in the Chapter.
6. Electric vehicle charging station setbacks:
 - a. Level 1, 2 and 3/DC Electric Vehicle Charging Stations:
 - From public rights-of-way: 15 feet
 - Side or rear lot lines: 5 feet
 - b. Level 3 supply equipment
 - From rights-of-way: 20 feet
 - Side or rear lot lines: 10 feet
7. Screening. Equipment and equipment cabinets used with Level 3/DC electric vehicle charging stations shall be completely screened at ground level view from adjacent properties and public streets, and designed to be compatible with the architectural treatment of the principal building.
8. EVCS shall be illuminated with site lighting, unless charging is available during day light hours only. This provision does not apply to EVCS for private use at single-family and two-family zoned properties.

F. Operation:

1. Electric vehicle charging stations shall be maintained in all respects, including operation of the equipment. A phone number or other contact information shall be

displayed on the face of the battery charging station for reporting problems with the equipment or access to it.

- 2. Fees may be charged for use of an electric vehicle charging stations-public use. No fees may be charged or collected for the use of an electric vehicle charging station located on single family or two-family properties.

Section 2. Summary approved. The City Council hereby determines that the text of the summary marked "Official Summary of Ordinance No. 613", a copy of which is attached hereto, clearly informs the public of the intent and effect of the ordinance. The City Council further determines that publication of the title and such summary will clearly inform the public of the intent and effect of the ordinance.

Section 3. Eagan City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including 'Penalty for Violation'" and Section 11.99, entitled "Violation a Misdemeanor" are hereby adopted in their entirety by reference as though repeated verbatim.

Section 4. Effective Date. This ordinance shall take effect upon its adoption and publication according to law.

ATTEST:

CITY OF EAGAN
City Council

/s/ Elizabeth VanHoose
By: Elizabeth VanHoose
Its: City Clerk

/s/ Mike Maguire
By: Mike Maguire
Its: Mayor

Date of Advisory Planning Commission Hearing: December 22, 2022
Date Ordinance Adopted: January 3, 2023
Date Ordinance Published in the Legal Newspaper: January 6, 2023

The following is the official summary of Ordinance No. 613 as approved by the City Council of the City of Eagan on January 3, 2023.

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Chapter 11 of the City Code is amended by adding a new Subdivision 33 which establishes zoning regulations for electric vehicle charging stations.

A printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk at the Eagan Municipal Center, 3830 Pilot Knob Road, Eagan, Minnesota 55122.

Effective date. This ordinance shall take effect upon its passage and publication.